

EXHIBIT C

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944 SC
MDL No. 1917

This Document Relates To:

**In re Ex Parte Application of Sharp Corporation
Order Pursuant to 28 U.S.C. 1782**

OBJECTIONS TO SHARP SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

1 Pursuant to Federal Rules of Civil Procedure 26 and 45, the Local Rules of the United
 2 States District Court for the Northern District of California, and the Court's Orders, Saveri &
 3 Saveri, Inc. ("Saveri"), hereby objects to the Subpoena to Produce Documents, Information, or
 4 Objects or To Permit Inspection of Premises in a Civil Action ("Subpoena"):

5 **PRELIMINARY STATEMENT**

6 Saveri herein identifies its objections and other concerns regarding the Subpoena based on
 7 its current understanding of the various subject matters identified in the Subpoena. Saveri reserves
 8 the right to assert further objections, if appropriate, as and to the extent those subject matters are
 9 later illuminated and clarified. Saveri further reserves the right to assert additional objections in
 10 light of subsequently discovered information or documents.

11 The making of any specific objection to a definition or request is neither intended as, nor shall in
 12 any way be deemed, a waiver of any Preliminary Objection or of any other specific
 13 objection made herein or that may be asserted at a later date.

14 **GENERAL OBJECTIONS**

15 1. Saveri objects to the Subpoena and Definitions and Instructions and Documents
 16 Requested to the extent that each purports to impose obligations different than or in addition to
 17 those imposed by the Federal Rules of Civil Procedure, the Local Rules of the United States
 18 District Court for the Northern District of California, or the Court's Orders, including without
 19 limitation the Court's Stay Orders and Stipulated Protective Order in this case.

20 2. Saveri objects to the Subpoena and Definitions and Instructions and Documents
 21 Requested to the extent that each is vague and ambiguous.

22 3. Saveri objects to the Subpoena and Definitions and Instructions and Documents
 23 Requested to the extent that Sharp fails to describe the information sought with reasonable
 24 particularity.

25 4. Saveri objects to the Subpoena to the extent that they call for information not known
 26 or reasonably available to it. Saveri further objects to the Subpoena to the extent that it calls for
 27 information that is not in the possession, custody or control of Saveri. Saveri further objects to the

1 Subpoena to the extent that it calls for information in the possession, custody or control of the
2 Defendants, or that is equally or more readily available to Sharp from third parties or otherwise.

3 5. To the extent any definition may be construed as requiring Saveri to characterize
4 documents or their contents or to speculate as to what documents may or may not show, Saveri
5 objects to such definitions as vague, ambiguous and calling for legal conclusions and speculation.

6 6. Saveri objects the Subpoena to the extent that it seeks information that is obtainable
7 from some other source that is more convenient, less burdensome, or less expensive.

8 7. Saveri objects the Subpoena to the extent that it calls for the disclosure of privileged
9 or immune information, including, without limitation, information subject to the attorney-client
10 privilege, common-interest privilege, work product doctrine, joint defense privilege, and/or any
11 other privilege or immunity from discovery. Any disclosure of privileged or protected documents,
12 materials, or information is inadvertent and not intended to waive those privileges or protections.

13 8. Saveri objects to the subpoena on the grounds that it seeks documents not relevant
14 to the Korean litigation.

15 **OBJECTIONS TO DOCUMENT REQUESTS**

16 **Document Request 1:**

17 Any and all Discovery Material obtained during or as a result of discovery in the Direct Purchaser
18 Action relating to cathode ray tubes, including but not limited to color picture tubes.

19 **Objection to Document Request 1:**

20 Saveri incorporates by this reference as though fully set forth the foregoing General
21 Objections.

22 Saveri objects to the Subpoena on the grounds that it is unduly burdensome. The subpoena
23 seeks and massive amount of material which will take an enormous amount of time, money and
24 effort to produce. Moreover, Sharp has failed take reasonable steps to avoid imposing undue
25 burden or expense on Saveri in violation of Federal Rule of Civil Procedure 45(c)(1). Indeed, all
26 of the materials Sharp seeks are in the possession of other parties to the litigation in which Sharp
27 seeks to use them. Sharp has purposely sought their production from a third party in order to
28 circumvent and avoid the requirements of 28 U.S.C. 1782 and Korean law. In these circumstances,

1 Saveri should not be made a party to this dispute, or be subject to any burden whatsoever in
2 connection with discovery in the Korean action.

3 Saveri objects to the Subpoena on the grounds that it is overbroad, in that it seeks more than
4 five million pages of documents produced by more than a two dozen corporate defendant families
5 and third parties, without articulating any limiting principal on its request. A vast quantity of these
6 materials would appear to be irrelevant to the Korean action.

7 Saveri further objects to the subpoena on the grounds that it is inconsistent with the goals of
8 28 U.S.C. § 1782, which seeks to provide “efficient means of assistance to participants in
9 international litigation in our federal courts and encouraging foreign countries by example to
10 provide similar means of assistance to our courts.” *Schmitz v. Bernstein Liebhard & Lifschitz*,
11 LLP, 376 F.3d 79, 82 (2d Cir. 2004). Sharp’s attempt to circumvent Korean discovery laws would
12 in no way “assist” the Korean court, nor would it set an appropriate example. Saveri objects to the
13 Subpoena to the extent it seeks information the disclosure of which is prohibited by law,
14 regulation, court order, or other authority of the foreign jurisdiction in which the documents or
15 information are located, and/or to the extent that Sharp’s definitions seek discovery in
16 contravention of principles of public policy or international comity.

17 Saveri further objects to the Subpoena on the grounds that it is an improper attempt to
18 subvert Korean rules governing discovery. The Korean court is in the best position to determine
19 what discovery is appropriate under its own rules, and is the more appropriate channel for Sharp to
20 direct its discovery requests.

21 Saveri further objects to the Subpoena on the grounds of comity, as Sharp’s requested
22 discovery would improperly interfere with the Korean Court’s ability to govern its own
23 proceedings.

24 Saveri further objects the Subpoena to the extent that it calls for the disclosure of
25 information that would violate the legitimate privacy rights and expectations of the Plaintiffs
26 and/or Defendants’ and/or Third Parties current or former employees, directors, officers, affiliates
27 or subsidiaries, both current and former, or other individuals, to the extent that such privacy rights
28 or expectations are protected by law, contract, or public policy.

1 Saveri further objects the Subpoena to the extent that it seeks confidential, proprietary, or
2 trade secret information. Saveri further objects to the Subpoena to the extent it seeks information
3 protected from disclosure by reason of agreements with third parties.

4 Saveri further objects to the subpoena on the grounds that it seeks disclosure of confidential
5 financial, commercial, strategic or proprietary information, and does not provide for adequate
6 protection against further disclosure.

7 Saveri further objects to the subpoena on the ground that it is unduly burdensome to the
8 extent it purports to impose a continuing obligation to produce documents or other materials Saveri
9 may obtain in the future.

10 Saveri further objects to the Subpoena to the extent that it calls for the disclosure of
11 privileged or immune information, including, without limitation, information subject to the
12 attorney-client privilege, common-interest privilege, work product doctrine, joint defense privilege,
13 and/or any other privilege or immunity from discovery. Any disclosure of privileged or protected
14 documents, materials, or information is inadvertent and not intended to waive those privileges or
15 protections.

16 Saveri further objects to the Subpoena to the extent that it seeks information that is neither
17 relevant to any claims or defenses in the Korean Action nor reasonably calculated to lead to the
18 discovery of admissible evidence.

19 Saveri further objects on the grounds that production of deposition transcripts to Sharp
20 would violate California Code of Civil Procedure §§ 2025.510 - 2025.570.

21 Saveri further objects to the subpoena on the grounds that Sharp is not entitled to receive all
22 Discovery Material in this litigation, as receipt of these materials would violate federal law,
23 attorney client privilege, and the Stipulated Protective Order.

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1 Saveri incorporates by this reference all of the grounds for quashing the Subpoena set forth in the
2 Defendants' motion to quash.

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5 DATED: August 22, 2012

6 By: 

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*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

Crt.564

PROOF OF SERVICE

I am employeed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 706 Sansome Street, San Francisco, California 94111.

On August 22, 2012, I caused to be served a true and correct copy of the following documents:

**OBJECTION TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION.**

by electronic mail to:

Colin West
Colin.west@bingham.com
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Three Embarcadero Center
San Francisco, CA 94111

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
22nd day of August, 2012.

Ceif

Erica Schwartz